

JUL 07 2011

JULIA C. DUDLEY, CLERK  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 7:08CR00041
	)	(CASE NO. 7:11CV80341)
	)	
vs.	)	<u>ORDER</u>
	)	
	)	
ROBERT DWAYNE EARLY,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Defendant.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the government's motion to dismiss (ECF No. 405) is **DENIED** and the defendant need not file a response to this motion; and the government shall respond to the defendant's claims under 28 U.S.C. § 2255 within twenty (20) days from entry of this order.

ENTER: This 7<sup>th</sup> day of July, 2011.



Chief United States District Judge